1947

File No. B Irrigation/47

Legal DEPARTMENT
"B", BRANCH

Subject:—

A bill to amend the Bombay Irrigation Act, 1879

P.I.S.E. Irrigation

{ amendment of Sec. 76 & 78 of Bombay VII of 1879 }

L. A. Bill No. XXXI of 1946

Bom Act No. XVII of 1954

File No. B Irrigation/47

545-B.

C O N T E N T S .

Legal Department File No. B Irrigation/47.

Sr. No.	Compilation No.	Subject	Pages.	
		A Bill to amend the Bombay Irrigation Act, 1879.		
1.	U.R. to R.D.No. 1188/14-2-1944.	Draft Bill	1-2	
2.	G.L.H.D.No 3553/11-4-1947.	Seeking Governor's assent	3-6	
3.	L.D.R.I.No 4772/18-4-1947	Governor' assent	7-8	
4.	G.R.L.D.NO 8630/2[illegible]12- 1946	Publication of the Bill	9-12	11 Not typed
5.	G.R.L.D.No. 4056 21-4-1947.	Publication of the Act,	13-18	Not typed
6	---------	Bill ; Act, Debates	19-32	Not typed

SLC 19/5 NP 17/5

Office of the R.I.A.

A revised draft Bill is sent herewith.

2. The draft Statement of Objects and Reasons at page 47 ~~xxxxx~~ slightly amended is in order.

3. The subject matter of the Bill falls under entry 10 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107 (2) of the Government of India Act, 1935.

Sd/- P.N.M.
12-2-44

Remembrancer of Legal Affairs.

U.O. to R.I.A., No. 1186, dated the 14th February 1944.

Submitted after issue

V.M.D./16-5
4c.

2 A note has been taken in the register of Bills pages 51-53 may be destroyed.

3 B. Irrigation /44

Sd/-
15-12

No.3353

Legal Department,

Bombay Castle, 11th April 1947.

From

Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay

Subject:- A Bill to amend the Bombay Irrigation Act, 1879.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, an authentic copy of a Bill to amend the Bombay Irrigation Act, 1879 which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 11th February 1947 and on the 28th February 1947, respectively,

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry 19 in List I in the Seventh Schedule to the Government of India Act, 1935.

4. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India

5. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

6. I am also to forward herewith one copy of each of the papers noted in the margin. The Bill was not referred to a select Committee

1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2.	Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
3.	Bill as read for the third time and passed by the Bombay Legislative Council.
4.	Extracts from the proceedings of the Bombay Legislative Assembly dated the 11th February 1947 and of the Bombay Legislative Council dated the 28th February 1947.

I have the honour to be,

Sir,

Your obedient servant,

Sd/- D.V. Vyas.

Secretary to the Government of Bombay

Legal Department.

Though

The Secretary to the Government of Bombay
Public Works Department.

V.M.D./16-8
4c.

No. C.S. 1271
Office of the Governor's Secretary,
Government House,
Bombay, 18th April 1947.

From

D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Irrigation (Amendment) Bill, 1946.

Sir,

With reference to your letter No. 3553, dated the 11th April 1947; I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the Bombay Irrigation (Amendment) Bill, 1946.

Your obedient servant,

Sd/-

Secretary to the Governor of Bombay.

V.M.D./16-5
4c.

Acts.

Publication of the Bombay Irrigation (Amendment) Act,1946.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 4056

Bombay Castle, 21st April 1947.

Letter to the Secretary to the Governor, No 3553, dated the 11th April 1947.

Letter from the Secretary to the Governor No.J.S. 1271, dated the 18th April 1947.

"With reference to your letter No.3553, dated the 11th April 1947, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the Bombay Irrigation (Amendment) Bill, 1946."

RESOLUTION:- The law should be published as Bombay Act No.XIII of 1947 in the Bombay Government Gazette, dated the 21st April 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Public Works Department, with reference to the Memorandum from that Department No. 3193/30-I, dated the 26th November 1946

By order of the Governor of Bombay,

Sd/- P. M. Lal,

Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 1[Gazette copies of the Act may be forwarded to the Legal Department),

P.T.O.

To

The Public Works Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council,
The Secretary to the Bombay Legislative Assembly,
The Director of Publicity, Bombay,

with a copy of the Act.

Thirty-five extra copies of the Act.

V.M.J./16-5
4.

L. A. BILL No. XXXI OF 1946 (A BILL TO AMEND THE BOMBAY IRRIGATION ACT, 1879)

Dr. M. D. D. GILDER (Minister for Public Works): Sir, I beg to introduce L. A. Bill No. XXXI of 1946 (A Bill to amend the Bombay Irrigation Act, 1879)

The DEPUTY SPEAKER: The Bill is introduced.

Dr. M. D. D. GILDER: Sir, I beg to move that L. A. Bill No. XXXI of 1946 (A Bill to amend the Bombay Irrigation Act, 1879) be read a first time.

Question proposed.

Dr. M. D. D. GILDER: Sir, the Bombay Irrigation Act is a hoary Act: it was passed before many of us were born. In those days there were the Mamlatdars, but no Mahals had been created. Now that Mahals have been created, it has been found necessary to give powers to the Mahalkaris and, therefore, for the word "Mamlatdar" we are putting in the word "Mahalkari". The actual wording in the section is, ".....a Revenue Officer not below the rank of a Mamlatdar....."; and, instead of that, we now put in, ".....a Revenue Officer not below the rank of a Mahalkari.....".

Question put, and agreed to.

Dr. M. D. D. GILDER: Sir, I beg to move that L. A. Bill No. XXXI of 1946 (A Bill to amend the Bombay Irrigation Act, 1879) be read a second time.

Question put, and agreed to.

Bill read claue by clause.

Clause 2 (*Amendment of sections 76 and 78 of Bom. VII of 1879*) ordered to stand part of the Bill.

Clause 1 (*Short title*) and the Preamble ordered to stand part of the Bill.

Dr. M. D. D. GILDER: Sir, I beg to move that L. A. Bill No. XXXI of 1946 (A Bill to amend the Bombay Irrigation Act, 1879) be read a third time and passed.

Question put, and agreed to.

The DEPUTY SPEAKER: L. A. Bill No. XXXI of 1946 (A Bill to amend the Bombay Irrigation Act, 1879) is read a third time and passed.

MO-I Bk Hb 2-5E

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

L. A. BILL No. XXXI OF 1946.

A Bill to amend the Bombay Irrigation Act, 1879.

(As read for the third time and passed by the Legislative Assembly on the 11th February 1947.)

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

Bom. VII of 1879.

WHEREAS it is expedient to amend the Bombay Irrigation Act, 1879, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Irrigation (Amendment) Act, 1946.

Bom. VII of 1879.

Amendment of sections 76 and 78 of Bom. VII of 1879.

2. In sections 76 and 78 of the Bombay Irrigation Act, 1879, for the word "Mamlatdar" the word "Mahalkari" shall be substituted.

P Bk Hb 325

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXI OF 1946.

(As read for the third time and passed by the Legislative Assembly on the 11th February 1947.)

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

A Bill to amend the Bombay Irrigation Act, 1879.

[Dr. M. D. D. GILDER, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The following Act of the Bombay Legislature having been assented to by the Governor on the 17th April 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XIII OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 21st April 1947.)

An Act to amend the Bombay Irrigation Act, 1879.

Bom. VII of 1879.

WHEREAS it is expedient to amend the Bombay Irrigation Act, 1879, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Irrigation (Amendment) Act, 1946.

Bom. VII of 1879.

Amendment of sections 76 and 78 of Bom. VII of 1879.

2. In sections 76 and 78 of the Bombay Irrigation Act, 1879, for the word "Mamlatdar" the word "Mahalkari" shall be substituted.

BOMBAY ACT No. XVI OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 21st April 1947.)

An Act to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof; It is hereby enacted as follows:— 26 Geo. 5, Ch. 2. Bom. IX of 1940.

Short title. **1.** This Act may be called the Bombay Famine Relief Fund (Amendment) Act, 1947.

Repeal of Bom. IX of 1940 and re-enactment of section 2 thereof. **2.** The Bombay Famine Relief Fund (Amendment) Act, 1940, is hereby repealed and section 2 thereof is re-enacted. Bom. IX of 1940.

The following Act of the Bombay Legislature having been assented to the Governor on the 17th April 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XVII OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 21st April 1947.)

An Act to amend the Prisoners Act, 1900, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Prisoners Act, 1900, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows;— III of 1900.

Short title. **1.** This Act may be called the Prisoners (Bombay Amendment) Act, 1947.

Amendment of sections 35 and 37 of Act III of 1900. **2.** In sections 35 and 37 of the Prisoners Act, 1900 (hereinafter called the said Act), the words and figures "Subject to the provisions of section 39," shall be deleted. III of 1900.

Repeal of sections 38 and 39 of Act III of 1900. **3.** Sections 38 and 39 of the said Act shall be repealed.

Amendment of section 43 of Act III of 1900. **4.** In clause (*a*) of section 43 of the said Act, for the words and figures "section 37 or section 39" the words and figures "or section 37" shall be substituted.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The following Act of the Bombay Legislature having been assented to by the Governor on the 17th April 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XIV OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 21st April 1947.)

An Act to repeal and re-enact the provisions of the Indian Registration (Bombay Amendment) Act, 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal and re-enact the provisions of the Indian Registration (Bombay Amendment) Act, 1942; It is hereby enacted as follows :— 26 Geo. 5, Ch. 2. Bom. X of 1942.

Short title. 1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1947.

Repeal of Bom. X of 1942. 2. The Indian Registration (Bombay Amendment) Act, 1942, is repealed. Bom. X of 1942.

Amendment of section 28 of Act XVI of 1908. 3. In section 28 of the Indian Registration Act, 1908, in its application to the Province of Bombay, for the brackets, letters and word "(*c*) and (*ee*)" the brackets, letters and word "(*c*), (*cc*) and (*ee*)" shall be substituted. XVI of 1908.

The following Act of the Bombay Legislature having been assented to by the Governor on the 17th April 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XV OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 21st April 1947.)

An Act to repeal the Bombay Weights and Measures (Amendment) Act, 1943, and the Bombay Weights and Measures (Amendment) Act, 1945, and to re-enact certain provisions of the said Acts.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Weights and Measures (Amendment) Act, 1943, and the Bombay Weights and Measures (Amendment) Act, 1945, and to re-enact certain provisions of the said Acts; It is hereby enacted as follows :— 26 Geo. 5, Ch. 2. Bom. XII of 1943. Bom. XVI of 1945.

1. This Act may be called the Bombay Weights and Measures (Amendment) Act, 1947. Short title.

Bom. XII of 1943. Bom. XVI of 1945.

2. The Bombay Weights and Measures (Amendment) Act, 1943, and the Bombay Weights and Measures (Amendment) Act, 1945, are hereby repealed. Repeal of Bom. XII of 1943 and Bom. XVI of 1945.

Bom. XV of 1932.

3. In section 22 of the Bombay Weights and Measures Act, 1932 (hereinafter called "the said Act"), after sub-section (*1*), the following new sub-section shall be inserted, namely :— Amendment of section 22 of Bom. XV of 1932.

"(*1A*) Such Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures and weighing or measuring instruments which are in his possession and are kept on any premises used for trade, whether or not such weights, measures or instruments are used, or are in his possession for use, for trade."

4. For section 35 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 35 of Bom. XV of 1932.

"35. Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser— Penalty for giving short weight or measure.

(*i*) in cases to which an amount of error prescribed under section 46A applies, short weight or measure, exceeding in shortage the amount of error so prescribed, or

(*ii*) in other cases, short weight or measure,

shall, on conviction, be punishable with fine which may extend to rupees three hundred."

5. Nothing in this Act, or any repeal effected thereby, shall affect or be deemed to affect any legal proceeding in respect of anything done or suffered before the commencement of this Act. Saving.

The following Act of the Bombay Legislature having been assented to by the Governor on the 17th April 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.